

**SUPREME COURT MINUTES
THURSDAY, MAY 5, 2011
SAN FRANCISCO, CALIFORNIA
*AMENDED**

S172023**POOSHS (NIKKI) v. PHILIP
MORRIS USA, INC.**

Opinion filed

In response to the Ninth Circuit's inquiry, we conclude that when a later-discovered latent disease is separate and distinct from an earlier-discovered disease, the earlier disease does not trigger the statute of limitations for a lawsuit based on the later disease.

Majority Opinion by Kennard, J.

-- joined by Cantil-Sakauye, C. J., Baxter, Werdegarr, Chin, Corrigan, and Suzukawa*, JJ.

* Associate Justice, Court of Appeal, Second Appellate District, Division Four, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S182407

G042454 Fourth Appellate District, Div. 3

**RASMUSSEN (JANE HYDE) v.
S.C. (BUNYAN)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal and remand the matter to that court for further proceedings consistent with our opinion.

Majority Opinion by Chin, J.

-- joined by Cantil-Sakauye, C. J., Baxter, Werdegarr, Corrigan, and Willhite*, JJ.

Dissenting Opinion by Kennard, J.

* Associate Justice of the Court of Appeal, Second Appellate District, Division Four, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

S190646

B222025 Second Appellate District, Div. 6

**SHARP (CALVIN LEONARD)
v. S.C. (PEOPLE)**

Stay order filed

To allow consideration of the issues presented in this case, the January 25, 2010, order of the Ventura County Superior Court, in *People v. Sharp*, No. 2008014330, compelling petitioner to submit to a mental examination conducted by a prosecution expert, as well as the sanity hearing now scheduled for May 23, 2011, are hereby stayed pending further order of this court.

"All previous stays are vacated."

Votes: Cantil-Sakauye, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

S050102**PEOPLE v. HENSLEY (PAUL
LOYDE)**

Extension of time granted

Appellant's motion to consolidate appellant's supplemental reply brief and appellant's principal reply brief is granted.

Good cause appearing, and based upon counsel Richard L. Rubin's representation that he anticipates filing the consolidated reply brief by August 2011, counsel's request for an extension of time in which to file that brief is granted to June 20, 2011. After that date, only one further extension totaling about 60 additional days is contemplated.

S114228**PEOPLE v. DUONG (ANH
THE)**

Extension of time granted

Good cause appearing, and based upon counsel Debra S. Sabah Press's representation that she anticipates filing the appellant's opening brief by January 31, 2013, counsel's request for an extension of time in which to file that brief is granted to July 18, 2011. After that date, only ten further extensions totaling about 560 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S135272**PEOPLE v. DWORAK
(DOUGLAS EDWARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to July 5, 2011.

S136800**PEOPLE v. MORALES
(ALFONSO IGNACIO)**

Extension of time granted

Good cause appearing, and based upon counsel Diane E. Berley's representation that she anticipates filing the appellant's opening brief by December 2011, counsel's request for an extension of time in which to file that brief is granted to June 27, 2011. After that date, only three further extensions totaling about 180 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S137730**PEOPLE v. POWELL (TROY
LINCOLN)**

Extension of time granted

Good cause appearing, and based upon counsel R. Clayton Seaman, Jr.'s representation that he anticipates filing the appellant's opening brief by September 6, 2011, counsel's request for an extension of time in which to file that brief is granted to July 8, 2011. After that date, only one further extension totaling about 60 additional days is contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

S161036**KELLY (DOUGLAS OLIVER)
ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Stephanie C. Brennan's representation that she anticipates filing the informal response to the petition for writ of habeas corpus by August 7, 2011, counsel's request for an extension of time in which to file that document is granted to July 8, 2011. After that date, only one further extension totaling about 30 additional days is contemplated.

S167100**ZAMUDIO JIMENEZ
(SAMUEL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Sara Cohbra's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by June 1, 2012, counsel's request for an extension of time in which to file that document is granted to July 1, 2011. After that date, only six further extensions totaling about 330 additional days are contemplated.

S191550 B202789/B205034 Second Appellate District, Div. 1 **SARGON ENTERPRISES,
INC. v. UNIVERSITY OF
SOUTHERN CALIFORNIA**

Extension of time granted

On application of appellants and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to June 27, 2011.

S177401 B208225 Second Appellate District, Div. 5 **O'NEIL (BARBARA J.) v.
CRANE COMPANY**

Application to appear as counsel pro hac vice granted

The application of Nicholas Vari for admission pro hac vice to appear on behalf of Crane Company, respondent, is hereby granted. (See Cal. Rules of Court, rule 9.40.)

S192516 E050497 Fourth Appellate District, Div. 2 **FREDERICK (RYAN
DOUGLAS) ON H.C.**

Order filed

The extension order issued on May 4, 2011, is amended to reflect in its entirety:

“The time for granting or denying review in the above-entitled matter is hereby extended to June 1, 2011, or the date upon which review is either granted or denied. This order is entered nunc pro tunc as of April 25, 2011.”

S192807 **SCUDDER (TERRY) v.
WORKERS'
COMPENSATION APPEALS
BOARD/(VERIZON
CALIFORNIA, INC.)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District.

S190885 **JACKSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ROBERT HARRIS JACKSON, State Bar Number 213433, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ROBERT HARRIS JACKSON must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S190888 **TWIGG ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JAY TWIGG, State Bar Number 88201, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JAY TWIGG must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively,

after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S190890**WAHL III ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that WILLIAM RANDOLPH WAHL III, State Bar Number 182542, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys. WILLIAM RANDOLPH WAHL III must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S190893**TAYLOR ON DISCIPLINE**

Recommended discipline imposed

The court orders that JOHNNIE LEE TAYLOR, State Bar Number 117532, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. JOHNNIE LEE TAYLOR is suspended from the practice of law for a minimum of the first 90 days of probation, and he will remain suspended until the following requirement is satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. JOHNNIE LEE TAYLOR must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 14, 2011.
3. At the expiration of the period of probation, if JOHNNIE LEE TAYLOR has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

JOHNNIE LEE TAYLOR must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-fifth of the costs must be paid with his membership fees for each

of the years 2012, 2013, 2014, 2015, and 2016. If JOHNNIE LEE TAYLOR fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S190896**TENENBAUM ON
DISCIPLINE**

Recommended discipline imposed

The court orders that JAY MICHAEL TENENBAUM, State Bar Number 134221, is suspended from the practice of law in California for five years, execution of that period of suspension is stayed, and he is placed on probation for five years subject to the following conditions:

1. JAY MICHAEL TENENBAUM is suspended from the practice of law for a minimum of the first three years of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. JAY MICHAEL TENENBAUM must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 10, 2011.
3. At the expiration of the period of probation, if JAY MICHAEL TENENBAUM has complied with all conditions of probation, the five-year period of stayed suspension will be satisfied and that suspension will be terminated.

JAY MICHAEL TENENBAUM must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

JAY MICHAEL TENENBAUM must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2012 and 2013. If JAY MICHAEL TENENBAUM fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S190898**CANCILLA ON DISCIPLINE**

Recommended discipline imposed

The court orders that JEFFREY ALLEN CANCELLA, State Bar Number 235428, is suspended

from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. JEFFREY ALLEN CANCELLA is suspended from the practice of law for the first 90 days of probation;
2. JEFFREY ALLEN CANCELLA must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 6, 2011; and
3. At the expiration of the period of probation, if JEFFREY ALLEN CANCELLA has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JEFFREY ALLEN CANCELLA must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

JEFFREY ALLEN CANCELLA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2012 and 2013. If JEFFREY ALLEN CANCELLA fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S190900

WEBER ON DISCIPLINE

Recommended discipline imposed

The court orders that JANENE RAE WEBER, State Bar Number 155021, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. JANENE RAE WEBER is suspended from the practice of law for 80 days (with credit given for the period of inactive enrollment which commenced on August 1, 2010, and ended on October 19, 2010);
2. JANENE RAE WEBER must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on December 16, 2010; and
3. At the expiration of the period of probation, if JANENE RAE WEBER has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

JANENE RAE WEBER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S190901**MELO ON DISCIPLINE**

Recommended discipline imposed

The court orders that MICHAEL THOMAS MELO, State Bar Number 218911, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. MICHAEL THOMAS MELO is suspended from the practice of law for the first 60 days of probation;
2. MICHAEL THOMAS MELO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 29, 2010; and
3. At the expiration of the period of probation, if MICHAEL THOMAS MELO has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MICHAEL THOMAS MELO must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S190902**LENZ ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that STEWART WILLIAM LENZ, State Bar Number 129758, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

STEWART WILLIAM LENZ must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S190903**LOCKHART ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KERRY LEE LOCKHART, State Bar Number 182690, is summarily

disbarred from the practice of law and that his name is stricken from the roll of attorneys.

KERRY LEE LOCKHART must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S190905**SEALS ON DISCIPLINE**

Recommended discipline imposed

The court orders that LINDA LEE SEALS, State Bar Number 129003, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for two years subject to the following conditions:

1. LINDA LEE SEALS is suspended from the practice of law for the first 30 days of probation;
2. LINDA LEE SEALS must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on January 10, 2011; and
3. At the expiration of the period of probation, if LINDA LEE SEALS has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

LINDA LEE SEALS must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with her membership fees for each of the years 2012 and 2013. If LINDA LEE SEALS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S190906**ALEXHOLLAND ON
DISCIPLINE**

Recommended discipline imposed

The court orders that LISA R. ALEXHOLLAND, State Bar Number 224000, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and she is placed on probation for three years subject to the following conditions:

1. LISA R. ALEXHOLLAND is suspended from the practice of law for the first 60 days of probation;
2. LISA R. ALEXHOLLAND must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving

Stipulation filed on January 11, 2010; and

3. At the expiration of the period of probation, if LISA R. ALEXHOLLAND has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

LISA R. ALEXHOLLAND must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period.

Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S190907

**CHAMBERLIN ON
DISCIPLINE**

Recommended discipline imposed

The court orders that KIRK CONRAD CHAMBERLIN, State Bar Number 132946, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. KIRK CONRAD CHAMBERLIN is suspended from the practice of law for the first 30 days of probation (with credit given for inactive enrollment, which was effective February 22, 2008, through March 23, 2008 (Bus. & Prof. Code, § 6233));
2. KIRK CONRAD CHAMBERLIN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on January 20, 2011; and
3. At the expiration of the period of probation, if KIRK CONRAD CHAMBERLIN has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
LOS ANGELES SESSION
MAY 31 and JUNE 1, 2011**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, Third Floor, North Tower, Los Angeles, California on May 31 and June 1, 2011.

TUESDAY, MAY 31, 2011 — 2:00 P.M.

- | | | |
|-----|---------|---|
| (1) | S068863 | People v. Scott (David Lynn) [Automatic Appeal] (Aaron, J., assigned justice pro tempore) |
| (2) | S045696 | People v. Garcia (Randy Eugene) [Automatic Appeal] (Kane, J., assigned justice pro tempore) |
| (3) | S045078 | People v. Clark (Royal) [Automatic Appeal] (Kriegler, J., assigned justice pro tempore) |

WEDNESDAY, JUNE 1, 2011 — 9:00 A.M.

- | | | |
|-----|---------|--|
| (4) | S182263 | People v. Milward (George) (<i>King, J., assigned justice pro tempore</i>) |
| (5) | S082828 | People v. Thomas (Correll Lamont) [Automatic Appeal] (Jenkins, J., assigned justice pro tempore) |
| (6) | S076582 | People v. Blacksher (Erven R.) [Automatic Appeal]
(Armstrong, J., assigned justice pro tempore) |

CANTIL-SAKAUYE
Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

Note: In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal has been assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotation procedure.

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SAN FRANCISCO SESSION
MAY 24 and 25, 2011**

SECOND AMENDED

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 24 and 25, 2011.

TUESDAY, MAY 24, 2011 — 9:00 A.M.

- | | | |
|-----|---------|---|
| (1) | S179115 | Howell v. Hamilton Meats & Provisions, Inc. (Klein, P.J., assigned justice pro tempore) |
| (2) | S160211 | Voices of the Wetlands v. Cal. State Water Resources Control Bd. (Duke Energy Moss Landing LLC et al., Real Parties in Interest) (Kitching, J., assigned justice pro tempore) |
| (3) | S077166 | People v. McKinnon (Crandell) [Automatic Appeal] (Turner, P.J., assigned justice pro tempore) |

1:30 P.M.

- | | | |
|-----|---------|--|
| (4) | S179194 | Duncan v. W.C.A.B. and X.S. (Lambden, J., assigned justice pro tempore) |
| (5) | S179422 | People v. Lowery (Eddie Jason) (Zelon, J., assigned justice pro tempore) |
| (6) | S174507 | Ardon v. City of Los Angeles (Jackson, J., assigned justice pro tempore) |

WEDNESDAY, MAY 25, 2011 — 9:00 A.M.

- | | | |
|-----|---------|---|
| (7) | S182508 | Seabright Ins. Co. v. U.S. Airways (Anthony Verdon Lujan, Intervener) (Johnson, J., assigned justice pro tempore) |
| (8) | S065467 | People v. Mendoza (Ronald) [Automatic Appeal] (Bruiniers, J., assigned justice pro tempore) |

CANTIL-SAKAUYE

Chief Justice

If exhibits are to be transmitted to this court, counsel must apply to the court for permission. (See Cal. Rules of Court, rule 8.224(c).)

Note: In light of the current vacancy on the California Supreme Court, a different justice of the Court of Appeal has been assigned to participate in each case scheduled for argument, pursuant to the court's established alphabetical rotation procedure.

S075616 The People, Respondent,
v.
John Anthony Gonzales and Michael Soliz, Defendants and
Appellants.

Cause called. Jessica K. McGuire, Office of the State Public
Defender, Court-appointed Counsel, argued for Appellant
Michael Soliz.
Joseph F. Walsh, Court-appointed Counsel, argued for
Appellant John Anthony Gonzales.
Steven D. Matthews, Office of the Attorney General, argued for
Respondent.

Ms. McGuire replied.
Cause submitted.

Justice Hollenhorst, not participating in consideration of the following case, will not join the bench.

The Honorable Harry E. Hull, Jr., Associate Justice, Court of Appeal, Third Appellate District, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S075726

The People, Respondent,
v.
Charles Edward Moore, Appellant.

Cause called. Cliff Gardner, Court-appointed Counsel, argued for Appellant.
Daniel Chang, Office of the Attorney General, argued for Respondent.

Mr. Gardner replied.
Cause submitted.

Justice Hull, Jr., not participating in consideration of the following case, will not join the bench.

The Honorable Raymond J. Ikola, Associate Justice, Court of Appeal, Fourth Appellate District, Division Three, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S064306

The People, Respondent,
v.
John Joseph Famalaro, Appellant.

Cause called. Douglas Ward, Office of the State Public Defender Appointed Counsel, argued for Appellant.
Marilyn L. George, Office of the Attorney General, argued for Respondent.

Mr. Ward replied.
Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the court and officers present as first shown.

Justice Ikola, not participating in consideration of the following case, will not join the bench.

The Honorable Elizabeth A. Grimes, Associate Justice, Court of Appeal, Second Appellate District, Division Eight, sitting on the following case under assignment by the Chairperson of the Judicial Council, joined the court at the bench.

S176099

California Grocers Association, Plaintiff and Respondent,

v.

City of Los Angeles, Defendant and Appellant;

Los Angeles Alliance for a New Economy, Intervener and Appellant.

Cause called. Gerald Masahiro Sato, Office of the City Attorney of Los Angeles, argued for Appellant City of Los Angeles.

Henry M. Willis argued for Appellant Los Angeles Alliance for a New Economy.

Craig E. Stewart argued for Respondent.

Mr. Sato replied.

Cause submitted.

Court adjourned.

